

# HOUSE BILL 270

R6

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By: **Delegates Cluster and DeBoy**

Introduced and read first time: January 27, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Enforcement – Police Officers**

3 FOR the purpose of altering the defined term “police officer”, as it applies to the  
4 enforcement of motor vehicle equipment requirements, the issuance of safety  
5 equipment repair orders, the implementation of the Diesel Vehicle Emissions  
6 Control Program, the enforcement of vehicle size and weight limits, and motor  
7 carrier safety inspections, to include a police officer who prominently displays  
8 the police officer’s badge or other insignia of office; making a technical  
9 correction; and generally relating to the enforcement of motor vehicle laws by  
10 police officers.

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 22–101(a), 23–101(a), 23–105(a), 23–401(a), 23–403(b), 24–111(a)(1) and  
14 (b), 24–111.1(a), and 25–111(a)(1)  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Transportation  
19 Section 22–106, 23–101(g), 23–401(f), 24–111(a)(4), and 25–111(a)(4) and (b)  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2011 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Transportation**

25 22–101.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) A person may not drive and the owner may not cause or knowingly  
2 permit to be driven on any highway any vehicle or combination of vehicles that:

3 (i) Is in such unsafe condition as to endanger any person;

4 (ii) Does not contain those parts or is not at all times equipped  
5 with lamps and other equipment in proper condition and adjustment as required in  
6 this title; or

7 (iii) Is equipped in any manner in violation of this title.

8 (2) A person may not do any act forbidden or fail to do any act  
9 required under this title.

10 22–106.

11 (a) In this title, “police officer” means:

12 (1) Any uniformed police officer **OR ANY POLICE OFFICER WHO**  
13 **PROMINENTLY DISPLAYS THE POLICE OFFICER’S BADGE OR OTHER INSIGNIA OF**  
14 **OFFICE;** or

15 (2) Any civilian employee of the Department of State Police or of the  
16 Maryland Transportation Authority Police Force assigned to enforce this title or any  
17 rule or regulation adopted under this title, but only while acting under written  
18 authorization of the Secretary of the State Police.

19 (b) (1) Subject to the provisions of paragraph (2) of this subsection, any  
20 police officer shall have the authority to enforce this title and any rule or regulation  
21 adopted under it.

22 (2) A civilian employee of the Maryland Transportation Authority  
23 Police Force shall have the authority stated in paragraph (1) of this subsection only if  
24 the individual is:

25 (i) Acting under the immediate direction and control of a  
26 uniformed police officer; and

27 (ii) Certified by the Department of State Police to enforce this  
28 title and any rule or regulation adopted under it.

29 23–101.

30 (a) In this subtitle the following words have the meanings indicated.

31 (g) “Police officer” means:

1 (1) Any uniformed police officer **OR ANY POLICE OFFICER WHO**  
2 **PROMINENTLY DISPLAYS THE POLICE OFFICER'S BADGE OR OTHER INSIGNIA OF**  
3 **OFFICE;** or

4 (2) Any civilian employee of the Department of State Police or the  
5 Maryland Transportation Authority Police assigned to enforce this subtitle or any  
6 regulation adopted under this subtitle, but only while acting under written  
7 authorization of the Secretary of State Police.

8 23-105.

9 (a) (1) If a police officer observes that a vehicle registered in this State is  
10 being operated with any equipment that apparently does not meet the standards  
11 established under this subtitle or the standards established under § 24-106.1(e) of this  
12 article, the officer shall stop the driver of the vehicle and issue to him a safety  
13 equipment repair order.

14 (2) A police officer may issue a safety equipment repair order for a  
15 cover required under § 24-106.1(e) of this article only if:

16 (i) The vehicle is equipped with a cover; and

17 (ii) The cover, or any equipment necessary to properly secure  
18 the cover, does not meet the standards established under § 24-106.1(e) of this article.

19 23-401.

20 (a) In this subtitle the following words have the meanings indicated.

21 (f) "Police officer" means any uniformed law enforcement officer **OR ANY**  
22 **POLICE OFFICER WHO PROMINENTLY DISPLAYS THE POLICE OFFICER'S BADGE**  
23 **OR OTHER INSIGNIA OF OFFICE.**

24 23-403.

25 (b) The driver of a diesel vehicle shall obey any sign or direction of a police  
26 officer to stop the diesel vehicle and submit it to an emissions test administered by an  
27 emissions inspector:

28 (1) When a diesel vehicle is required to submit to:

29 (i) Weighing and measuring under § 24-111 of this article; or

30 (ii) A motor carrier safety inspection under § 25-111 of this  
31 article; or

1           (2)    At any location or time, when a police officer has reasonable cause  
2 to believe that an individual diesel vehicle is violating emissions standards established  
3 under this subtitle.

4   24–111.

5           (a)   (1)   In this section and in § 24–111.1 of this subtitle the following  
6 words have the meanings indicated.

7                   (4)    “Police officer” means:

8                           (i)    Any uniformed police officer **OR ANY POLICE OFFICER**  
9 **WHO PROMINENTLY DISPLAYS THE POLICE OFFICER’S BADGE OR OTHER**  
10 **INSIGNIA OF OFFICE;**

11                           (ii)   Any civilian employee of the Department of State Police or  
12 the Maryland Transportation Authority Police assigned to enforce this subtitle, but  
13 only while acting under written authorization of Secretary of State Police; or

14                           (iii)   Any civilian employee of a local government who is:

15                                   1.    Acting under the immediate direction and control of a  
16 uniformed police officer;

17                                   2.    Acting under written authorization of the Secretary of  
18 State Police; and

19                                   3.    Certified by the Department of State Police to perform  
20 the weighing and measurement authorized under this section.

21           (b)   (1)   The driver of a vehicle must stop and submit the vehicle to a  
22 measurement or weighing:

23                           (i)    When directed by a police officer who has reason to believe  
24 that the size or weight of a vehicle being driven on a highway violates this subtitle; or

25                           (ii)   When directed by an electronic signal to a CVISN  
26 transponder.

27           (2)    The weighing authorized by this subsection:

28                           (i)    May be done with either portable or stationary scales; and

29                           (ii)   In either case, shall be done by methods established by  
30 experts in the field of weights and measures and adopted by rule or regulation of the  
31 Department of State Police.

1           (3) If more than 1 statutory weight limit tolerance applies to a vehicle  
2 being weighed under this section, the police officer shall grant only the greatest  
3 applicable tolerance.

4 24-111.1.

5           (a) Except as otherwise provided in this section, as to any vehicle found to  
6 exceed the weight limits permitted under this subtitle, if the overweight does not  
7 exceed 5,000 pounds, a police officer may require the driver to unload the excess  
8 weight.

9 25-111.

10           (a) (1) In this section the following words have the meanings indicated.

11                   (4) "Police officer" means:

12                           (i) Any uniformed law enforcement officer **OR ANY POLICE**  
13 **OFFICER WHO PROMINENTLY DISPLAYS THE POLICE OFFICER'S BADGE OR**  
14 **OTHER INSIGNIA OF OFFICE** who is certified or under the direction of a law  
15 enforcement officer who is certified by the Department of State Police to perform an  
16 inspection authorized under this section;

17                           (ii) Any civilian employee of the Department of State Police  
18 assigned to enforce any rule or regulation adopted under this section, but only while  
19 acting under written authorization of the Secretary of State Police;

20                           (iii) Any civilian employee of the Maryland Transportation  
21 Authority Police who is:

22                                   1. Acting under the immediate direction and control of a  
23 uniformed police officer;

24                                   2. Acting under the written authorization of the  
25 Secretary of State Police; and

26                                   3. Certified by the Department of State Police to perform  
27 an inspection authorized under this section; or

28                           (iv) Any civilian employee of a local government who is:

29                                   1. Acting under the immediate direction and control of a  
30 uniformed police officer;

31                                   2. Acting under the written authorization of the  
32 Secretary of State Police; and

1                                   3.     Certified by the Department of State Police to perform  
2 an inspection authorized under this section.

3           (b)   (1)    Upon direction by a police officer or by an electronic signal to  
4 vehicles equipped with a CVISN transponder, the driver of any vehicle that is subject  
5 to any rule or regulation adopted under this section shall stop and submit to an  
6 inspection **OF**:

7                                   (i)   All applicable driver records, including driver's license,  
8 driver hours of service record and certificate of physical examination;

9                                   (ii)   All load manifests, including bills of lading or other shipping  
10 documents; and

11                                   (iii)   All cargo and cargo areas.

12                                   (2)   A police officer who is certified by the Department of State Police  
13 to perform an inspection authorized under this section, a Public Service Commission  
14 inspector, or a hazardous materials inspector may conduct a safety inspection of the  
15 vehicle that is subject to a rule or regulation adopted under this section or § 22-409 of  
16 this article.

17                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2012.